

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Huguenin and Remy

From: Theis Finlev, Executive Fellow
Mark Krausse, Executive Director

Subject: Legislative Report

Date: March 9, 2005

The elections committees in each house have scheduled some Political Reform Act bills for hearing. Those bills are separately displayed under "PRA Bills Set for Hearing." We will update you on these bills at the Commission meeting. The Legislature will be in spring recess March 17-28.

<i>Action Items</i>		Bills Amending the Political Reform Act	
Bill No.	Author	Title	Introduced/Amended

AB 347 Huff Enforcement I-02/10/05
Makes any violation of the Act currently punishable as a misdemeanor a "wobbler" (misdemeanor or felony, at the option of the prosecutor). Analysis attached. **Introduced; referred to Assembly Elections Committee. Recommended position: Support.**

AB 709 Wolk Candidate controlled ballot measure committees I-02/17/05
Clarifies that ballot measure committees controlled by elective state office (ESO) candidates are subject to limits, and sets that limit at the same level for all ESO candidates. Subjects primarily formed ballot measure committees to the post-election fundraising restrictions. Subjects multiple ballot measure committees controlled by a single candidate for the same measure(s) to a single limit. Analysis attached. **Introduced; awaiting assignment to Assembly Elections Committee. Recommended position: Support.**

SB 145 Murray Contributions I-02/03/05
Authorizes an elected state officer to accept contributions after the date of the election to the office presently held for the purpose of paying expenses associated with holding office or for any other purpose authorized by the Political Reform Act of 1974, subject to certain limitations. The bill would set limits on the amount of contributions that may be made to an elected state officer in a calendar year and on the aggregate amount of contributions that a state officer may receive in a calendar year. Analysis attached. **Set for hearing: 3/16/05 in Senate Elections Committee. Recommended Position: Neutral**

Legislative Report

March 10, 2005

Informational Items		PRA Bills Set for Hearing	
Bill No.	Author	Title	Introduced/Amended

AB 16 Huff Campaign Contributions A-02/09/05

Prohibits contributions to the Governor or members of the Legislature between the date of the May budget revision and the date of the enactment of the budget bill for the upcoming fiscal year. **Set for hearing: 3/15/05 in Assembly Elections Committee. Position: Oppose unless amended.**

AB 40 Wolk Conflict of interest: lobbying interests I-12/6/04

This bill prohibits lobbyists who contract with an elected state officer from lobbying that officer, his or her staff or the staff of any committee the member chairs, and requires notification to the Secretary of State by lobbyists who enter into a contractual agreement with an elected state officer. AB 40 also requires that any payment conditioned on the outcome of an election be disclosed in pre-election reports. **Set for hearing: 3/15/05 in Assembly Elections Committee. Position: Oppose unless amended.**

SB 8 Soto Conflicts of interest I-12/6/04

This bill extends the one-year post-governmental employment restrictions currently applicable to state public officials to local elected officials, county chief administrative officers, city managers or administrators, and special district general managers or chief administrators. **Set for hearing: 3/16/05 in Senate Elections Committee. Position: Oppose unless amended.**

SB 11 Bowen Contributions: voting equipment manufacturers or vendors I-12/6/04

This bill prohibits a candidate for elective state or local office from accepting any contributions from a manufacturer or vendor of voting equipment or systems. **Set for hearing: 3/16/05 in Senate Elections Committee. Position: Oppose unless amended.**

SB 145 Murray Contributions I-02/03/05

Authorizes an elected state officer to accept contributions after the date of the election to the office presently held for the purpose of paying expenses associated with holding office or for any other purpose authorized by the Political Reform Act of 1974, subject to certain limitations. The bill would set limits on the amount of contributions that may be made to an elected state officer in a calendar year and on the aggregate amount of contributions that a state officer may receive in a calendar year. Analysis attached. **Set for hearing: 3/16/05 in Senate Elections Committee. Position: Oppose unless amended/support if amended.**

Informational Items		Bills Amending the PRA Not Yet Set for Hearing	
Bill No.	Author	Title	Introduced/Amended

AB 513 Richman Lobbyist registration: bond consultants I-02/16/05

Expands definition of administrative action to include the selection of an underwriter for state or local bond business. Analysis attached. **Introduced; referred to Assembly Elections Committee.**

Informational Items		Bills Amending the PRA Not Yet Set for Hearing (cont'd)	
Bill No.	Author	Title	Introduced/Amended

AB 583 Hancock California Clean Money Act of 2005 I-02/16/05

This bill would enact the California Clean Money and Fair Elections Act of 2005, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. The bill would impose responsibility for the administration of the provisions of the bill on the Fair Political Practices Commission. The bill would appropriate \$500,000 each fiscal year from the fund created by the bill to the Fair Political Practices Commission for the purpose of administration of the act, as specified. **Introduced; referred to Assembly Elections Committee.**

AB 739 Nation Political Expenditure Disclosure I-02/17/05

The bill lowers the monetary thresholds that require reporting of communications which clearly identify a candidate for elective state office but does not expressly advocate the election or defeat of the candidate, made within 45 days of an election, and that subject those communications to the bill's restrictions. The bill lowers the threshold from \$50,000 to \$10,000. **Introduced; awaiting assignment to Assembly Elections Committee.**

AB 891 DeVore Slate Mailer Organizations I-02/18/05

For reporting purposes, treats as a contribution the value to a candidate of any slate mailer that exceeds the consideration paid by the candidate. Requires a slate mailer organization to notify any candidate benefiting from a slate mailer, for which full consideration is not paid, of the value of the contribution; requires the Commission to adopt regulations providing a method of valuing slate mailer communications. Analysis attached. **Introduced; referred to Assembly Elections Committee.**

AB 938 Umberg Campaign expenditure disclosures I-02/18/05

This bill would require committees that are required under existing law to file online or electronically to also file a report online or electronically disclosing expenditures totaling \$10,000 or more to support or oppose the qualification or passage of a ballot measure, and disclosing other specified information, within 10 business days of making the expenditure. The bill would require that this report also be filed in the places where the committee would be required to file campaign statements if it were formed or existing primarily to support or oppose the measure for or against which it is making the expenditure. **Introduced; awaiting assignment to Assembly Elections Committee.**

AB 1391 Leno Campaign disclosure I-02/22/05

This bill would define a state general purpose committee as a committee that is not a county or city general purpose committee, or a committee that makes expenditures to support or oppose candidates or measures voted on in a state election, or in more than one county, including contributions to state general purpose committees, which total more than 50% of the contributions and independent expenditures made by the committee. **Introduced; awaiting assignment to Assembly Elections Committee.**

Informational Items		Bills Amending the PRA Not Yet Set for Hearing (cont'd)	
Bill No.	Author	Title	Introduced/Amended
AB 1404	Coto	Conflicts of interest: schools	I-02/22/05
Designates the county board of education instead of the county board of supervisors as the code reviewing body for a school district in a multi-district county, a community college district, or a school-related joint powers authority located wholly within a single county. The Superintendent of Public Instruction would be the code review body for a county board of education, a county office of education, or a school district of a county with only a single school district. Introduced; awaiting assignment to Assembly Elections Committee.			
AB 1558	Wolk	Pilot project: financial interests in public contracts	I-02/22/05
Commission-sponsored Govt. Code sec. 1090 pilot project to issue opinions subject to certain procedures, and would make reliance on advice in one of these opinions evidence of good faith in any civil proceeding, as specified. Introduced; awaiting assignment to Assembly Elections Committee.			
SB 25	Ackerman	Enforcement: evidentiary presumptions	A-01/19/05
This bill creates a presumption that a contribution received in response to a written solicitation from an elective state office candidate or his or her committee is received in response to that solicitation, for that candidate or committee, or for the term of office specified in the solicitation. The bill also repeals two sections related to the now obsolete March state primary election. Urgency measure. On Senate floor. Position: Oppose unless amended.			
SB 36	Florez	501(c)(4) issue advocacy disclosure	I-12/6/04
This bill would require nonprofit (501(c)(4)) organizations to file campaign disclosure reports as a recipient committee if they spend \$1,000 or more in a calendar year on advertisements that do not expressly advocate, but clearly identify a state candidate or a ballot measure. Hearing postponed by committee. Awaiting re-assignment to Senate Elections Committee. Position: Oppose unless amended.			
SB 54	Ackerman	Political Reform Act of 1974	I-01/14/05
Substantially similar to, and rendered obsolete by, SB 25. Introduced; awaiting assignment to Senate Elections. Position: Oppose unless amended.			
SB 289	Battin	Conflicts of interest	I-02/16/05
"Spot" bill that adds "or her" where "his" is used in section 87100 of the Political Reform Act. Awaiting assignment.			
SB 721	Chesbro	Elections: ballot pamphlets	I-02/22/05
Existing law provides that any elector may challenge copy for the ballot pamphlet for statewide elections by showing that the copy is false, misleading, or inconsistent with specified statutory law, and that the issuance of a writ of mandate to amend or delete copy will not substantially interfere with the printing and distribution of the ballot pamphlet. This bill would codify the requirements of existing law that, in ruling on a challenge to ballot pamphlet copy, a court indulge all legitimate presumptions in favor of the propriety of the copy, and find the copy sufficient in cases where reasonable minds could differ as to the sufficiency of the copy. Assignment to Senate Elections Committee.			

Legislative Report

March 10, 2005

<i>Informational Items</i>		Bills Amending the PRA Not Yet Set for Hearing (cont'd)	
Bill No.	Author	Title	Introduced/Amended

SB 784 Committee Campaign contributions and expenditures I-02/22/05

This bill adjusts the contribution limits biannually according to the CPI, to include adjustments on the same basis for the reporting thresholds of section 82015, which applies to payments of \$5,000 or more made by a second party to a third party at the behest of a candidate who is an elected officer. This would affect the threshold at which elected officials must disclose “co-sponsored” payments for legislative, governmental, or charitable purposes. **Introduced; awaiting assignment to Senate Elections Committee.**

SB 1013 Florez Political expenditure I-02/22/05

“Spot” bill that inserts a comma in section 84511. **Introduced; awaiting assignment.**

<i>Informational Items</i>		Bills Not Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

SB 18 Ortiz Reproductive health and research A-02/22/05

This bill would declare that it is the intent of the Legislature that the Independent Citizen’s Oversight Committee define which positions would be subject to the Political Reform Act and that the requirements for the reporting of economic interest be commensurate with those required of state agency appointees. **In Senate Health Committee.**

ACR 1 McLeod Proposition 71: stem cell research I-12/6/04

This measure would urge the Independent Citizen's Oversight Committee established pursuant to Proposition 71 approved by the voters at the November 2, 2004, general election, to adopt robust conflict-of-interest standards for itself and for the members of its working groups, to comply with standards set forth in provisions of law relating to open meetings of public agencies and public records, and to report to the Legislature by April 1, 2005. **Set for hearing: 3/15/05 in Assembly Health Committee.**